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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,575	11/03/2000	Ernest L. Lawton	1596C9	6944

7590 02/13/2003

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EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 02/13/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,575

Applicant(s)

LAWTON ET AL.

Examiner

Jill M Gray

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SM
#15

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-37 is/are pending in the application.
- 4a) Of the above claim(s) 12-17, 26-32 and 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 18-25 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claim 5 is withdrawn in view of the newly discovered reference(s) to Pollet et al, 5,024,890, 5,312,687, and 5,387,468. Rejections based on the newly cited reference(s) follow. Accordingly, the election of species of Paper 13 still stands.

The rejection of claims 1-2, 9-11, 18-25, and 32-33 under 35 U.S.C. 102(b) as being anticipated by Barber, Jr. et al, 5,460,883 (Barber) is moot in view of applicants' amendment.

The rejection of claims 1-4, 18-21, 24-25 and 32-34 under 35 U.S.C. 102(b) as being anticipated by Philips et al, 3,312,569 is moot in view of applicants' amendment.

The rejection of claim 1-3, 6-9, 18, 21-25, and 32-34 is moot in view of applicants' amendment.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 18-21, 24-25, and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Pollet et al, 5,024,890, 5,312,687, and 5,387,468 (hereinafter referred to collectively as Pollet).

Pollet teaches size compositions for impregnating glass fibers comprising thermoplastic polymer resin powder. In addition, the composition contains a film

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forming material as set forth by claim 21, reactive diluent as required by claims 24-25, and lubricious material as required by claim 20. See for example, '890, abstract and column 2, lines 45-49. Moreover, Pollet teaches that the powdered coating can contain organic or inorganic particulates that can be either pre-combined with the polymer so that each powder particles contains polymer and filler, or be added separately as a powder. See for example '890, column 4, lines 11-18. Pollet teaches that his composition comprises greater than 20 weight percent of particles, and that the amount of particles can be present in an amount ranging from 20-80 weight percent, or from 50 to 60 weight percent as required by applicants in claims 18 and 19. See for example '890, column 3, lines 14-38. It should be noted that the language of particles embraces thermoplastic resin powder.

Therefore, the teachings of Pollet anticipate the invention as claimed in the present claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6-11, 22-23, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollet et al, (cumulative), as applied above to claims 1-2, 18-21, 24-25 and 32-33, in view of Barber, Jr. et al, 5,460,883 (Barber) and Jia 6,270,562 B1.

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Pollet is as applied above but is silent as to the specific inorganic particles and glass fibers. Barber teaches filaments comprising a core at least partially coated with a coating composition comprising greater than 20 weight percent particles. See column 21, lines 24-28, further teaching plural coating layers as required by claims 22-23. See column 20, lines 39-58. In addition, Barber teaches that the particles can be boron nitride as required by claims 9-11. See column 21, line 16. As to the Moh's hardness as required by claims 3, 22, 32, and 34.

It would have been obvious to use as the inorganic particles taught by Pollet any inorganic particulate material known in the art, such as any of those taught by Barber and in particular, boron nitride, with the reasonable expectation of obtaining an abrasive filament or article. As to the specific type of glass fibers used set forth in claims 6-8, it is the examiner's position that glass fibers of the type contemplated by applicants are well known in the art as evidenced by the teachings of Jia, cited to show the state of the art, whereby it would have been obvious to the skilled artisan to choose any of the various types with the reasonable expectation of success of obtaining a suitable glass fiber strand.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6-11, 18-25, and 32-34 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

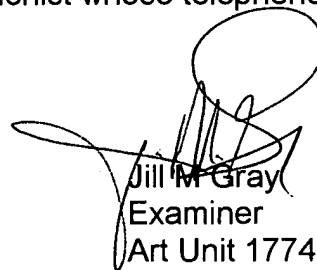
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M Gray whose telephone number is 703.308.2381.

The examiner can normally be reached on 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703.308.0449. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.5408 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0651.



Jill M Gray
Examiner
Art Unit 1774

jmg
February 10, 2003